

COPY

N/M/16/10

IN THE COURT OF QUEEN'S BENCH OF NEW BRUNSWICK
TRIAL DIVISION
JUDICIAL DISTRICT OF MIRAMICHI

**IN THE MATTER OF THE COMPANIES' CREDITORS
ARRANGEMENT ACT, R.S.C. 1985, c.C-36, AS
AMENDED**

- and -

**IN THE MATTER OF ATCON CONSTRUCTION INC.,
ATCON INDUSTRIAL SERVICES INC., ATCON
MANAGEMENT SERVICES INC., ATCON CIVIL LTD.,
DYCON CONSTRUCTION LTD., ATCON
STRUCTURES INC. and ENVIREM TECHNOLOGIES
INC., all of which are carrying on business in the Province
of New Brunswick**

BETWEEN:

**THE BANK OF NOVA SCOTIA, a Canadian chartered
bank with a registered office in the City of Saint John,
Province of New Brunswick**

APPLICANT

- and -

**ATCON CONSTRUCTION INC., ATCON INDUSTRIAL
SERVICES INC., ATCON MANAGEMENT SERVICES
INC., ATCON CIVIL LTD., DYCON CONSTRUCTION
LTD., ATCON STRUCTURES INC. and ENVIREM
TECHNOLOGIES INC., all of which are carrying on
business in the Province of New Brunswick**

RESPONDENTS

ORDER

THIS MOTION, made by the Applicant, The Bank of Nova Scotia, was heard the
30th day of March 2010 at 673 King George Highway, Miramichi, New Brunswick.

SM
36 March 2010

ON READING the affidavit of Rocco Fabiano dated March 26, 2010, and on hearing the submissions of counsel for the Respondents, the Applicant, the Monitor, the Province of New Brunswick, Caterpillar Financial Services Limited, GE Canada Equipment Financing C.P., General Electric Canada Equipment Financing G.P., GE Canada Leasing Services Company, GE VFS Canada Limited Partnership, the Royal Bank of Canada and Key Equipment Finance:

SERVICE

1. **THIS COURT ORDERS** that the time for service of the Notice of Motion and the Motion Record shall be and is hereby abridged and validated so that the motion is properly returnable today, and that any further service thereof is hereby dispensed with.

INTERPRETATION

2. **THIS COURT ORDERS** that capitalized words used in this Order that are not otherwise defined in this Order have the meanings ascribed to them in the initial order dated March 2, 2010 in this proceeding (the "**Initial Order**").

3. **THIS COURT ORDERS** that notwithstanding any other provision of this Order or the Initial Order:

a. The following Respondents are hereby no longer subject to or benefit from the provisions of the Initial Order:

- i) Atcon Construction Inc. ("**Construction**");
- ii) Atcon Management Services Inc. ("**Management**");
- iii) Atcon Civil Inc. ("**Civil**");
- iv) Dycon Construction Inc. ("**Dycon**"); and
- v) Atcon Structures Inc. ("**Structures**").

b. Envirem Technologies Inc. ("**Envirem**") shall remain subject to the Initial Order and the Stay Period provided in paragraph 16 of the Initial Order shall continue with respect to Envirem until such time as the Monitor has

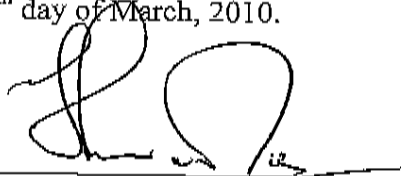
*Done
30 March 2010*

issued a Monitor's Certificate in accordance with the Order of this Court dated March 22, 2010 in order to complete the Transaction, as such term is defined therein, but in no case shall the Stay Period extend beyond April 23, 2010 without further order of this Court. On the issuance of the Monitor's Certificate, Envirem shall no longer be subject to or benefit from the provisions of the Initial Order.

- c. The Monitor shall, remain as Monitor of Construction, Management, Civil, Dycon, Structures and Envirem (collectively, the "**Companies**") in order to:
- i) co-ordinate and assist the Receiver of the Companies appointed by Order of this Court as of the date hereof in the fulfillment of its duties;
 - ii) carry out any remaining administrative duties of the Monitor;
 - iii) carry out the terms of the orders of this Court including without limitation the Order of this Court dated March 22, 2010; and
 - iv) report to this Court in due course regarding the completion of its duties in due course.

4. **THIS COURT ORDERS** that except as provided by this Order the Initial Order shall continue to apply and the Directors Charge, the Administration Charge and the DIP Lenders Charge created by the Initial Order and amended by the Equipment Release Order dated March 22, 2010, are unaffected by this Order and remain valid and enforceable charges against the property of the Companies in accordance with the terms of the Initial Order, as amended.

Dated at Miramichi, New Brunswick, this 30th day of March, 2010.



Justice Thomas W. Riordon,
Judge of the Court of Queen's Bench
of New Brunswick